

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

UNITED STATES OF AMERICA,

Plaintiff,

v.

GIOVANNI COLLAZO-SANTIAGO,

Defendant.

ORDER

Case No. 12-cr-41-wmc
12-cr-136-wmc
13-cv-814-wmc

Defendant Giovanni Collazo-Santiago has filed notice of appeal in one of his criminal proceedings (No. 12-cr-41-wmc, dkt. #56), as well as from the court's May 14, 2015, order denying his motion for reconsideration of the court's order denying his motion under 28 U.S.C. § 2255 (No. 13-cv-814-wmc, dkt. #19). The Seventh Circuit has consolidated these appeals. *See United States v. Collazo-Santiago*, No. 15-2153, dkt. #2 (7th Cir. May 29, 2015).

Although defendant did not file a separate motion to proceed *in forma pauperis*, he did file an "Affidavit Accompanying Motion for Permission to Appeal in forma pauperis" (No. 12-cr-41, dkt. #61), indicating his intent to do so. According to 28 U.S.C. § 1915(a), a defendant who is found eligible for court-appointed counsel in the district court proceedings may proceed to appeal *in forma pauperis* without further authorization "unless the district court shall certify that the appeal is not taken in good faith or shall find that the party is otherwise not entitled to proceed."

Here, defendant retained counsel during the criminal proceedings against him and has submitted an affidavit of indigency. The court is, therefore, satisfied as to

defendant's inability to pay the costs of his consolidated appeals. Accordingly, although a certificate of appealability was denied for reasons set forth in the court's June 10, 2015, Opinion and Order (No. 13-cv-814, dkt. #9), this court will permit him to proceed *in forma pauperis* so that the Seventh Circuit may determine whether it will issue a certificate of appealability and address the merits of his appeal.

ORDER

IT IS ORDERED that defendant Giovanni Collazo-Santiago's motion for leave to appeal *in forma pauperis* is GRANTED.

Entered this 22nd day of September, 2015.

BY THE COURT:

/s/

William M. Conley
District Judge